

**IN THE UNITED STATES
DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**SUSAN S. DEPAOLA, CHAPTER
7 TRUSTEE FOR THE
BANKRUPTCY ESTATE OF
PHILIP L. GOODWYN AND
SIMPLE PLEASURES, INC.,**

PLAINTIFFS,

V

**V. RESTAURANTS, INC., AND
VINCE SAELE,**

DEFENDANTS.

CASE NO.: 2:06-CV-00893-WKW

**(BANKRUPTCY CASE NO. 05-
32325-CHAPTER 7)**

**(BANKRUPTCY ADV. PRO. NO.
05-03062-WRS)**

DEFENDANT'S MEDIATION STATUS

COMES NOW the Defendant, V Restaurants, Inc and Vince Saele, and pursuant to this Honorable Court's recent Pre-Trial Order provides a status as to mediation efforts in the above styled matter by stating the following:

Following the pre-trial conference, wherein this Court encouraged mediation, the Plaintiff's contacted the Defendants to discuss the possibility of mediation. This discussion was against the backdrop of the Defendants' earlier efforts to settle the instant action. The Defendant, Vince Saele, is an individual involved in a small business and does not have the resources to make a settlement offer materially greater than in the past and required payments to a mediator would only impinge on any settlement offer. In fact, should a judgment of any consequence arise from this litigation, Defendant Vince Saele would most likely have to seek financial protection of some sort.

The Defendants note that the Pre-trial Order directed counsel to inform “chambers” of the progress of mediation and a call was placed earlier today to this Honorable Court’s chambers and essentially the foregoing was conveyed.

RESPECTFULLY SUBMITTED this the 12th day of March, 2007.

/s/ Daniel G. Hamm

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Defendant's Mediation Status by electronic transmission or by placing a copy in the United States Mail with sufficient postage for first class delivery to the attorneys named below.

DONE this the 12th day of March, 2007.

/s/ Daniel G. Hamm

DANIEL G. HAMM (HAM043)
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